

REMARKS

Reconsideration of this Application and entry of the amended claims as presented herein are respectfully requested. Applicants submit that entry of these claims places them in condition for allowance.

Following entry of the proposed amendments, claims 1-12, 14-17, 19, and 23-35 are pending in the application, with claims 13, 18, and 20-22 having been cancelled, and with claims 29-35 having been added by amendment. Claims 1-17, 20-25, 27, and 28 stand rejected pending consideration of this Response. Claims 18, 19, and 26 stand objected to.

Support for the amendments made herein is found throughout the specification and claimed as filed. More particularly, the amendment to claims 1, 6, 14, and 23 is supported in original claim 18 of the Application. Amendments to claims 26 and 27 are supported in paragraphs [0054] and [0056]. New claim 29 is supported by original claims 1 and 18. New claim 30 is supported by original claim 21. New claim 31 is supported by original claim 22.

New claim 32 is supported by original claims 1 and 26. New claims 33 and 34 are supported by paragraph [0040]. New claim 35 is supported by paragraph [0056].

Entry of all amendments and new claims and allowance of all claims is respectfully requested.

OBJECTIONS

The Office Action objects to claims 18, 20, and 22 for alleged improper dependent form. Claims 18, 20, and 22 have been cancelled, rendering this objection moot.

REJECTIONS

35 U.S.C. § 112, second paragraph. The Office Action rejects claim 13 under U.S.C. § 112, second paragraph, as allegedly indefinite. Claim 13 has been cancelled, and this rejection is moot.

35 U.S.C. § 102(b). The Office Action rejects claims 1-17 and 20-25 as allegedly anticipated by U.S. Patent No. 6,468,442, to Bytnar (the "'442 Patent"). That rejection is moot with respect to claim 13 and 18-22, which have been cancelled. Claims 1-12, 17, and 23-25, as amended, define methods of use of a composition or compositions on things such as a particulate or an area in need of dust control and soil stabilization. The '442 Patent does not teach or suggest use of a de-icer in methods as claimed in the present application or the improved results that may be obtained thereby. The rejection has been traversed, and the claims should be allowed.

35 U.S.C. § 103(a). The Office Action rejects claims 27 and 28 as allegedly unpatentable over the '442 Patent in view of U.S. Patent No. 5,714,387, to Fowee, *et al.* Claims 27 and 28, as amended herein, include methods not taught or suggested in the '442 Patent, in the '387 Patent, or in a combination of the two patents. In particular, neither the '442 Patent nor the '387 Patent teaches methods of treatment of particulates or other materials as taught in the instant claims. Because the cited publications do not teach or suggest all of the limitations of the claimed invention, the claimed invention is not obvious in light of the cited publications. The rejection under 35 U.S.C. § 103(a) has been traversed. Applicants respectfully request that the rejection be withdrawn and the claims allowed.

CONCLUSION

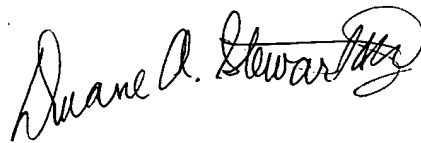
Applicants submit that all of the stated grounds of objection and rejection have been properly traversed or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and objections and that they be withdrawn. Applicants further request that the claims be amended as set forth herein, that the new claims be added, and that all new and amended claims be allowed. Applicants believe that a full and complete reply has been made to the outstanding Office Action and as such the present application is in condition for allowance.

If the Examiner believes for any reason that personal communication will expedite prosecution of this Application, the Examiner is invited to contact the undersigned at the telephone number provided. Prompt and favorable consideration of this Response is respectfully requested.

AUTHORIZATION

It is believed that no extension of time is necessary to make this Response timely. It is also believed that all excess claims fees have been properly calculated and paid. In the event that an extension of time and/or payment of excess claims fees is necessary, kindly deduct the cost for same from Deposit Account No. 02-4553 in the name of Buchanan Ingersoll PC.

Respectfully submitted,

A handwritten signature in black ink, reading "Duane A. Stewart III". The signature is written in a cursive style with a large, stylized "D" and "S".

Duane A. Stewart III
Reg. No. 54,468
BUCHANAN INGERSOLL PC
One Oxford Centre
301 Grant Street, 20th Floor
Pittsburgh, PA 15219
Telephone: (412) 562-1622
Facsimile: (412) 562-1041

Date: April 25, 2005